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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/578,971	03/08/2007	Karsten Strehl	10191/4621	8542
26646	7590	09/11/2007		
KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004			EXAMINER LUU, CUONG V	
			ART UNIT 2128	PAPER NUMBER
			NOTIFICATION DATE 09/11/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

uspto@kenyon.com

Office Action Summary

Application No.

10/578,971

Applicant(s)

STREHL, KARSTEN

Examiner

Cuong V. Luu

Art Unit

2128

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 May 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f):
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>5/10/06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 11-19 are pending. Claims 1-10 have been canceled. Claims 11-19 have been examined. Claims 11-19 have been rejected.

Drawings

1. Figures 1, 2a, and 6 should be designated by a legend such as --Prior Art-- because only those, which are old, are illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claims 12-16 are objected to since they indicate their dependence on canceled claims. To examine these claims, the Examiner assumes that claims 12 and 14 depend on claim 11, 13 on 12, 15 and 16 on 14.
3. Claim 19 is objected to since it includes process(es) (computer-implementing simulating and verifying a control system) and computer software (a generic animation and a host including at least one respective modeling tool and on target software of the control system) limitation in an apparatus claim.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 11-17 are rejected under 35 U.S.C. 101.

4. Claims 11, 17, 18, and 19 are rejected under 35 U.S.C. 101 because the claimed inventions are directed to non-statutory subject matter, claiming a computer program. The claims recite limitations: "a generic model animation" that can be interpreted as a computer program and "a host, including at least one respective modeling tool and on target software", which are drawn to non-statutory subject matter since they appear to consist of only software per se.

5. Claims 12-16 inherit the defect of claim 11.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

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Claims 11-13 and 17-19 are rejected under 35 U.S.C. 102(a) as being anticipated by the Applicant's Admitted Prior Art, hereinafter the AAPA, of the instant application 10/578971.

6. As per claim 11, the AAPA teaches a simulation system for computer-implemented simulation and verification of a control system under development, comprising:
a generic model animation and in-model calibration interface adapted to use measurement and calibration technologies with a host-target architecture, a host including at least one respective modeling tool and on target software of the control system is executed (p. 2 lines 16-21, p. 5, lines 17-31, p. 7 lines 16-19 and p. 8 lines 4-14 figure 6).
7. As per claim 12, the AAPA teaches the system according to claim 11, further comprising a target server adapted to connect the modeling tool with a target (p. 1 lines 23-27 and p. 6 lines 24-27. The host mentioned here is considered a target server adapted to connect the modeling tool with a target).
8. As per claim 13, the AAPA teaches the system according to claim 12, wherein the target server includes a protocol driver of a communication protocol adapted for communication with the target (p. 6 lines 24-31. The communication between the server and target is facilitated by at least one of communication protocols listed in these lines, and this teaching inherits a protocol driver of a communication protocol).
9. As per claim 17, these limitations have already been discussed in claim 11. They are, therefore, rejected for the same reasons.

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10. As per claim 18, these limitations have already been discussed in claim 11. They are, therefore, rejected for the same reasons.

11. As per claim 19, claim 11 inherits these limitations. They are, therefore, rejected for the same reasons.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over the AAPA as applied to claim 11, and further in view of Stewart et al (Design of Dynamically Reconfigurable Real-time Software Using Port-Based Objects, IEEE Transaction on Software Engineering, Vol. 23, No. 12, December 1997, pp. 759-776).

12. As per claim 14, the AAPA teaches a plurality of simulation processes with corresponding memory and interface modules (p. 2 lines 16-21 and p. 3 lines 30-33),

But does not teach the modules including distinct memory locations adapted for inter-module communication.

Stewart teaches this feature (p. 767, col. 2 of this page, section 4.1 State Variable Communication, paragraphs 1-2 of the section and figure 7).

It would have been obvious to one of ordinary skill in the art to combine the teachings of the AAPA and Stewart. Stewart's teachings would have maintained the autonomous execution model while ensuring the integrity of the communication (p. 768 paragraph 1 of col. 1 of the page).

13. As per claim 15, the AAPA teaches simulation is performed by execution of a control system simulation model, the simulation model including a plurality of sub-models being performed on one of the plurality of modules respectively (p. 2 lines 16-21).

14. As per claim 16, the AAPA does not teach at least some of the modules are dynamically reconfigurable for communication via distinct memory locations.

However, Stewart teaches this limitation (p. 766 paragraph 4 of col. 2 of this page).

Conclusion

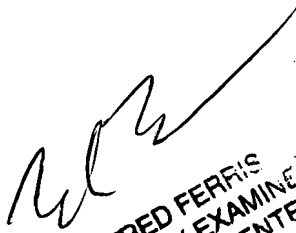
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cuong V. Luu whose telephone number is 571-272-8572. The examiner can normally be reached on Monday-Friday 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kamini Shah, can be reached on 571-272-2279. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. An inquiry of a general nature or relating to the status of this application should be directed to the TC2100 Group receptionist: 571-272-2100.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CVL


FRED FERRIS
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